

# SARRAF GENTILE LLP

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## FIRM BIOGRAPHY

SARRAF GENTILE LLP practices in a wide variety of litigation, with an emphasis on class, derivative and other complex multi-party actions. The firm is devoted to protecting the interests of businesses, investors and consumers that have been defrauded. The firm's practice involves securities, labor and antitrust laws, consumer fraud statutes, product liability claims and corporate governance matters. The firm maintains offices in New York City.

The cases in which the firm is or has been involved include:

- *Schottenfeld Qualified Associates LP v. Workstream Inc, et al.*, where the firm is Co-Lead Counsel for Plaintiffs in an action against Workstream and various insiders for violations of the Exchange Act of 1934;

- *Stevens v. GlobeTel Communications Corp.*, where the firm is Co-Lead Counsel for Plaintiffs in an action against GlobeTel and various insiders for violations of the Exchange Act of 1934;

- *In re Ferro Corp. ERISA Litigation*, where the firm served as Co-Lead Counsel on behalf of participants in the Ferro Corp. 401(k) retirement plan and recovered \$4 million of behalf of retirees;

- *James L. McDonough et al., v. Toys "R" Us - Delaware, Inc. d/b/a Babies "R" Us, Inc.*, where the firm represents plaintiffs in an action for violation of the federal antitrust laws;

- *In re Host America Corp. Derivative Litigation*, where the firm served as Co-Lead Counsel in a shareholder derivative action and secured numerous corporate governance changes;

- *Francis v. Comerica Inc.*, where the firm served as Co-Lead Counsel on behalf of participants in the Comerica Inc. 401(k) retirement plan and recovered \$2.02 million of behalf of retirees;

- *Berezin v. Alliance Semiconductor Corp.*, where the firm represents plaintiffs in an action for violation of the federal antitrust laws;

- *In re Avery Dennison Corp. ERISA Litigation*, where the firm is Co-Lead Counsel representing plan participants in the Avery Dennison 401(k) plan for violations of ERISA;

- *In re RCN Corp. ERISA Litigation*, where the firm is Co-Lead Counsel representing plan participants in the RCN 401(k) plan for violations of ERISA;

- *In re Merck & Co., Inc. ERISA Litigation (Burtoft v. Merck & Co., Inc., et al.)*, where the firm represents plan participants of various Merck 401(k) plans for violations of ERISA;

- *In re Palm Treo 600 and 650 Litigation*, where the firm is a member of the Executive Committee for Plaintiffs in an action brought to recover for violations of California consumer protection laws; and,

- *The Education Station Day Care Centers v. Yellow Book USA, Inc.*, where the firm represented advertisers in the Yellow Book telephone directory for deceptive practices and helped recover over \$70 million.

THE ATTORNEYS

RONEN SARRAF is a graduate of Brooklyn Law School, where he served as Managing Editor of the *Brooklyn Journal of International Law*. Mr. Sarraf was a member of the Moot Court Honor Society, where he received an award for competing in the BMI Entertainment and Communications National Moot Court Competition as well as for serving as team director for the Judge Duberstein National Bankruptcy Moot Court Competition. While in law school, Mr. Sarraf clerked for the Honorable Richard F. Braun, New York State Supreme Court, and was a research assistant to former SEC commissioner, Roberta S. Karmel. He is the author of “The Value of Borrowed Art,” published in the *Brooklyn Journal of International Law* and an article entitled “Authors’ Lawsuit Takes Giant Leap Forward,” published in the *Authors Guild Bulletin*. Mr. Sarraf earned a B.A. from Queens College and graduated with Departmental Honors in History.

Mr. Sarraf has been actively litigating securities, corporate and complex commercial class actions for his entire legal career. Among the numerous cases in which he’s been involved, Mr. Sarraf actively participated in the following:

- *In re European Rail Pass Antitrust Litigation*, where a global settlement was reached involving the price fixing of European rail passes;
- *In re Adelphia Communications Corp. Securities & Derivative Litigation*, where he represented individual shareholders against over fifty named defendants in one of the largest corporate frauds in U.S. history;
- *In re Warnaco Group Inc. Securities Litigation*, where the Second Circuit reversed a lower court’s dismissal of the action and where plaintiffs ultimately reached a multi-million dollar settlement;

- *In re Nice Systems Ltd. Securities Litigation*, where the Third Circuit affirmed the lower court's \$10 million settlement;

- *In re eBay, Inc., Shareholder Litigation*, where the Delaware Chancery Court upheld claims of corporate theft brought against corporate insiders and Goldman Sachs for "spinning" (*i.e.*, exchanging lucrative IPO allocations for prospective investment banking business);

- *Richardson v. Gray*, a derivative shareholder suit which involved numerous appeals, a several week trial and the incarceration of a company insider; and,

- *Raffone v. First American Title Insurance Co.*, where purchasers of home title insurance were defrauded by having to pay higher than statutorily-mandated insurance fees.

Mr. Sarraf is a member of the Association of the Bar of the City of New York and the New York State Bar Association. He is admitted to practice in the States of New York and New Jersey, as well as the United States Courts of Appeal for the Second and Seventh Circuit, the District Courts for the Southern, Eastern and Western Districts of New York, the District of New Jersey, the Eastern District of Wisconsin, the District of Colorado, and the Eastern District of Michigan.

JOSEPH GENTILE is a graduate of Boston College Law School, where he clerked for the Honorable Reginald C. Lindsay of the United States District Court for the District of Massachusetts. Mr. Gentile was also an intern at the Major Crimes Bureau at the Queens County District Attorney's Office as well as an intern at Bronx Legal Services. Mr. Gentile earned a B.S. from Fordham University, where he participated in the Business School's Honors Program, and graduate Cum Laude.

Mr. Gentile has actively participated in numerous securities fraud actions, including actions on behalf of shareholders of Shell Royal Dutch and Sonus Networks. He also participated as part of the team representing WorldCom equity and debt holders.

Mr. Gentile is a member of the Association of the Bar of the City of New York and the American Bar Association. He is admitted to practice in the State of New York.



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### RESUME OF SCHATZ NOBEL IZARD, P.C.

Schatz Nobel Izard, P.C. is one of the premier firms engaged in class action litigation on behalf of investors alleging misrepresentations in connection with the purchase or sale of securities. We are currently lead or primary counsel in many large securities or ERISA class actions, including cases against AT&T, AOL Time Warner, JDS Uniphase, Cable & Wireless, Merck, Sprint, and Tyco International. In the securities fraud class action against Campbell Soup Company, we represented the pension funds of the State of Connecticut as lead plaintiff. We recently settled the securities fraud class action on behalf of investors in Smallworldwide plc, for over 85% of the total losses claimed by class members.

Schatz Nobel Izard has been formally appointed by many courts as lead counsel or co-lead counsel for investors in securities class actions, including Papanikolaou v. Value-Added Communications, et al., No. 3-95CV0346-H (N.D. Tex.), Gorga v. Uniroyal Chemical Corporation et al., No. CV-96-0132014-S (Conn. Super.); David v. Simware, Inc. et al. No. 96/602143 (N.Y. Sup.), Butler et al. v. Northstar Health Services, Inc. et al., No. 96-701 (W.D. Pa.), Allen, et al v. Johansson, et al., 397CV02172 (RNC) (D. Conn.), Feiner v. SS&C Technologies, Inc. et al., 397CV0656 (D. Conn.), Berti, et al. v. Videolan Technologies, Inc., et al., No.3:97CV296H (W.D. Ky.), Ganino, et al v. Citizens Utilities Company, et al, No. 398CV00480 (JBA) (D. Conn.), Bunting, et al v. HealthCor Holdings, Inc., et al., No. 398CV0744-D (N.D. Tex.), Hirsch, et al. v. PSS World Medical, Inc., et al., No. 98 502 Civ.

J20A (M.D. Fla.), Kenneth Blau, et al v. Douglas Murphy, et al, No. H 99 0535 (S.D. Tex.), Angres v. Smallworldwide plc, No. 99-K-1254 (D. Colo.), In re Complete Management, Inc. Sec. Litig., No. 99 Civ. 1454 (S.D.N.Y.), Allain Roy v. dElia\*s, Inc., et al., No. 99 Civ. 3951 (JES) (S.D.N.Y.), Russo, et al v. KTI, Inc., et al., No. 99-1780 (JAG) (D.N.J.); Laborers Local 1298 Pension Fund v. Campbell Soup Company, et al., No. 00-152 (JEI) (D.N.J.); Hart v. Internet Wire, et al., No. 00 Civ. 6571 (S.D.N.Y.), Ottmann v. Hanger Orthopedic Group, Inc., et al., Civil Action No. AW 00CV3508 (D. Md.), In re PolyMedica Corp. Sec. Litig., No. 00-12426-REK (D. Mass.), Karl L. Kapps, et al. v. Torch Offshore, Inc., et al., Case No. 02-CV-0582 (E.D. La), In re Cable and Wireless, PLC. Securities Litigation, Civil Action No. 02-1860 (E.D. Va), In re Alloy, Inc. Securities Litigation, Case No. 03-CV-1597 (S.D.N.Y.), In re Surebeam Corporation Securities Litigation, Case No. 03-CV-1721 (S.D. Cal); In re Primus Telecommunications Group, Inc. Securities Litigation, Master Case No. 04-970-A (E.D. Va.); In re Netopia Securities Litigation, Case No. C 04-3364 (N.D. Cal); Malasky v. IAC/InterActive Corp., et al., Case No. 04-CV-7447 (S.D.N.Y.); In re Supportsoft, Inc. Sec. Litig., C 04-5222 SI (N.D.Cal.); and Berson v. Applied Signal Technology Inc. et al, 4:05-cv-01027-SBA (N.D.Cal.); The Cornelia I. Crowell GST Trust v. Pemstar, Inc. et al., 05-CV-1182 (D. MN); UFCW Local 880 Retail Food Employers Joint Pension Fund v. Newmont Mining Corp. et al., No. 05-CV-01046 (D. Colo.); and Aviva Partners v. Exide Technologies et al., 3:05-CV-03098 (D. NJ).

We have also been responsible for many important decisions which have advanced the cause of shareholder protection through the federal securities laws, including in Ganino, et al v. Citizens Utilities Company, et al, 228 F.3d 154 (2d Cir. 2000), In re Campbell Soup Securities Litigation, 145 F. Supp.2d 574 (D.N.J. 2001), In re Complete Management, Inc. Sec. Litig., 153

F.Supp. 2d 314 (S.D.N.Y. 2001), Angres v. Smallworldwide, plc, 94 F. Supp.2d 1167 (D. Colo. 2000), and Feiner v. S&C Technologies, Inc., 47 F. Supp.2d 250 (D. Conn. 1999).

In ERISA cases, Schatz Nobel Izard has been formally appointed as co-lead counsel in Overby v. Tyco International, Ltd., No. 02-CV-1357-B (D.N.H.); Furstenau v. AT&T, Case No. 02 CV 8853 (D.N.J.); In re Reliant Energy ERISA Litigation, No. H-02-2051 (S.D. Tex.); In re AOL Time Warner, Inc. Securities and ERISA Litigation, MDL Docket No. 1500 (S.D.N.Y.); In re AEP ERISA Litigation, Case No. C2-03-67 (S.D. Ohio); Pettit v. JDS Uniphase Corporation, Civil Action No. 03-4743-CW (N.D. Cal.); In re Sprint Corporation ERISA Litigation, Master File No. 2:03-cv-02202-JWL (D. Kan.); In re Cardinal Health, Inc. ERISA Litigation, Case No. C 2-04-642 (S.D. Ohio); Spear v. Hartford Fin. Svcs Group, Inc., No. 04-1790 (D. Conn.); In re Merck & Co., Inc. Securities, Derivative and ERISA Litigation, MDL No. 1658 (D.N.J.); In re Bausch & Lomb, Inc. ERISA Litigation, Master File No.: 06-cv-6297-MAT-MWP (W.D.N.Y.); In re Diebold ERISA Litigation, Case No. 5:06-cv-0170 (N.D. Ohio); and to the Steering Committee in Tittle v. Enron Corp., No. H-01-3913 (S.D. Tex.); In re Electronic Data Systems ERISA Litigation, 3:02-cv-1323 (E.D. Tex.); and In re Marsh ERISA Litigation, Master File No. 04 cv 8157 (S.D.N.Y.). We are also responsible for the seminal decision in Vivien v. Worldcom, Civil Action No. 2-01329 (N.D. Cal.) in which the Court in denying a motion to dismiss affirmed the legal theory upon which these cases are based.

#### PARTNERS

Andrew M. Schatz is a graduate of Cornell University, with honors, and graduated from Harvard Law School (J.D., cum laude) in 1976. Mr. Schatz joined the Chicago firm now known as Sachnoff & Weaver, and he became a partner of that firm in 1979. While at Sachnoff & Weaver, Mr. Schatz primarily handled plaintiffs class action litigation and was involved in the



prosecution of major securities class actions, including cases against Equity Funding Corp. of America and the Washington Public Power Supply System.

In 1987, Mr. Schatz joined Schatz & Schatz, Ribicoff & Kotkin in Hartford, Connecticut, where he headed that firm's corporate and securities litigation practice. While at Schatz & Schatz, Ribicoff & Kotkin, Mr. Schatz represented publicly-held corporations and their directors and officers as defendants in securities class actions, including North American Holding Corporation, Gateway Financial Corporation, Ames Department Stores and All For A Dollar.

Mr. Schatz is a member of the Securities Advisory Council to the Connecticut Department of Banking, a member of the Connecticut and American Bar Associations and a speaker on panels relating to the duties of directors of publicly held corporations.

Jeffrey S. Nobel graduated from Albany Law School in 1989, where he was Associate Editor of its Law Review. Following his graduation from law school, Mr. Nobel joined Schatz & Schatz, Ribicoff & Kotkin. While at Schatz & Schatz, Ribicoff & Kotkin, Mr. Nobel represented the officer defendants in the Ames Department Stores class actions and also represented corporations and their officers and directors in other federal securities fraud litigation.

Robert A. Izard, former chair of the Commercial and Business Litigation Committee of the Litigation Section of the American Bar Association, received his B.A. from Yale University and his J.D., with honors, from Emory University, where he was elected to the Order of the Coif, and was an editor of the Emory Law Journal. From 1987 until 2001, Mr. Izard practiced law with the firm of Robinson & Cole, primarily in the areas of securities and corporate litigation, representing issuers, brokers, law firms and underwriters in a wide range of actions under both federal and state securities laws and RICO, as well as representing shareholders and directors in proxy contests and intracorporate disputes. He has also represented clients in investigations and

enforcement actions by the Securities and Exchange Commission and the State of Connecticut Department of Banking, and in various arbitration and disciplinary actions.

Mr. Izard has substantial jury and nonjury trial experience, including a seven-month jury trial in federal district court. He is experienced in various forms of alternative dispute resolution, including mediation and arbitration, and is also a Distinguished Neutral for the CPR Institute for Dispute Resolution. Mr. Izard is the author of *Lawyers and Lawsuits: A Guide to Litigation* published by Simon and Schuster.

Mark P. Kindall is a 1988 graduate of the University of California at Berkeley's Boalt Hall School of Law, where he served as Book Review Editor of the *California Law Review* and was elected to the Order of the Coif. Prior to joining Schatz Nobel Izard in 2005, he was an associate at Covington & Burling in Washington, D.C. (1988-1990), an Attorney Advisor at the United States Environmental Protection Agency (1990-1994), and an Assistant Attorney General for the State of Connecticut (1994-2005). He has been lead counsel in numerous cases in federal and state court, and has taught courses in appellate advocacy and administrative law at the University of Connecticut School of Law.

Seth R. Klein graduated cum laude from both Yale University and, in 1996, from the University of Michigan Law School, where he was a member of the *Michigan Law Review* and the Moot Court Board and where he was elected to the Order of the Coif. After clerking for the Hon. David M. Borden of the Connecticut Supreme Court, Mr. Klein served as an Assistant Attorney General for the State of Connecticut, where he focused on consumer protection matters, and as an associate with the reinsurance litigation group at Cadwalader, Wickersham & Taft LLP in New York.

ASSOCIATES

William Bernarduci received a Bachelor of Science in Business Administration from Bucknell University and graduated magna cum laude from New York Law School in 1995, where he was a member of the New York Law School Law Review. Upon graduation, he served as a law clerk for the Honorable Nina Gershon, District Judge, United States District Court Eastern District of New York. Prior to joining the firm, he represented numerous clients in complex securities litigation at the New York offices of Skadden, Arps, Slate, Meagher & Flom LLP and Dornbush Mensch Mandelstam & Schaeffer, LLP. Mr. Bernarduci is admitted to the Connecticut and New York bars.

Wayne T. Boulton graduated from Colgate University cum laude in 1993 and from the University of Connecticut School of Law, with honors, in 1997. Mr. Boulton has focused his practice on litigating complex commercial cases.

Eric L. Palmquist graduated from Cornell Law School magna cum laude in 1999, where he was a member of the Cornell Law Review and was elected Order of the Coif. Before joining Schatz Nobel Izard in 2004, Mr. Palmquist worked at Dewey Ballantine LLP in New York and at Axinn Veltrop & Harkrider LLP in Hartford.

Nancy A. Kulesa graduated from Fordham University with a B.A. with honors in International Politics, and from the University of Connecticut School of Law in 2001. Ms. Kulesa also studied International Law at the University of London.